UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

MARY JO MACE.

Plaintiff,

: Case No. 05-cv-2786 (KMW)

-against-

COUNTY OF SULLIVAN; DANIEL BRIGGS, Individually and as County Manager of the COUNTY: OF SULLIVAN; OLGA PARLOW, Individually and As THE COUNTY TREASURER of the COUNTY OF: SULLIVAN; PAMELA ROURKE, Individually and as: COMMISSIONER OF PERSONNEL of the COUNTY: OF SULLIVAN; HARVEY SMITH, Individually and : As COMMISSIONER OF GENERAL SERVICES of the COUNTY OF SULLIVAN; JOHN DOE: and JANE DOE

USDC SDNY DOCUMENT

ELECTRONICALLY FILED

DOC#

DATE FILED: 5/24/12

Defendants.

STIPULATION OF VOLUNTARY DISMISSAL/WITHDRAWAL

WHEREAS, Plaintiff commenced this action against Defendants pursuant to First, Fourth and Fifth Amendments to the Constitution of the United States and 42 U.S.C. Sections 1983 and 1988, and

WHEREAS, on November 13, 2007 Magistrate Yanthis recommended to U. S. District Judge Stephen Robinson that the motion of the individual Defendants Briggs, Parlow, Rourke and Smith to dismiss all claims against them be granted except as to the Equal Protection claim against Defendants Briggs and Smith and that all claims against the County Defendant be dismissed except as to the Equal Protection claim, and

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WHEREAS, on February 11, 2009 District Judge Robinson adopted the Report and

Recommendation of Magistrate Judge Yanthis. Plaintiff's claims for violations of due process,

both procedural and substantive and the First Amendment were dismissed, the latter without

prejudice. Plaintiff's equal protection claim was dismissed with respect to Defendant Rourke and

Defendant Parlow.

IT IS HEREBY STIPULATED AND AGREED, by and among Michael H. Sussman,

Esq., attorney for the Plaintiff Mary Jo Mace, the Plaintiff Mary Jo Mace and Samuel S. Yasgur,

County Attorney for the County of Sullivan, counsel for Defendants that:

1. Plaintiff has conferred with her counsel Michael H. Sussman, and

2. Plaintiff, after being advised of her legal rights, has determined to withdraw the

Equal Protection claim against Defendants County of Sullivan, Daniel Briggs and

Harvey Smith, with prejudice.

WHEREFORE, it is stipulated and agreed that the Equal Protection claims against the

County of Sullivan, Daniel Briggs and Harvey Smith are hereby withdrawn with prejudice and

without costs.

Dated: New York, New York

December 22, 2011

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S. Yasgur

Samuel S. Yasgur (SSY7712)
County Attorney, Sullivan County
Attorney for Defendants County of
Sullivan, Briggs, Parlow, Rourke, Smith,
John Doe and Jane Doe
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Monticello, New York 12701

Michael H. Sussman, Esq.
Sussman & Watkins
Attorneys for Plaintiff Mary Jo Mace
P. O. Box 1005
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Mary Jo Mace Plaintiff

SQ ORDERED

Hon. George A. Yanthis

United States Magistrate Judge